IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.334 OF 2004

The State of Maharashtra ...Appellant

vs.

Ravindra Jagannath Kadam and others ...Respondents

Mr.A.S.Shitole, A.P.P. for the Appellant
Mr.Vinod Jadhav h/f Mr.V.D.Patil for Respondent Nos.1 to 6.

CORAM: A.S.OKA,J.
DATE : NOVEMBER 23,2006.

P.C.:

1. Heard learned A.P.P. for the Appellant in support of the prayer for grant of leave. The acquittal of the Respondents-accused is for offences punishable under sections 143, 147, 323 and 325 of the Indian Penal Code. The learned Trial Judge while acquitting the Respondents has noted the admitted position that on the date of alleged incident i.e. on 24th October 2001, accused No.1 had filed a complaint against the P.W.No.1 that he was selling illicit liquor. On the basis of the said complaint, there was a raid of Prohibition Department. Another admitted position which is noted is that the accused No.3 had filed another complaint against the P.W.No.1. The learned Judge noted that while P.W.No.1 and P.W.No.3 were examined by the Medical Officer, they did not give history of assault to the Medical Officer. It is noted that the P.W.No.1 in his evidence stated about the presence of 5 to 6 women at the time of occurrence of

incident. However, none of them was examined by the prosecution. The learned Judge has also considered the delay in filing the F.I.R. For the incident of 24th October 2001, the F.I.R. was lodged on 25th October 2001. This delay is significant as on 24th October 2001, the Accused No.1 had lodged a complaint against the P.W.No.1 as regards sale of illicit liquor by the P.W.No.1 and a raid was conducted on the very day on the basis of the said complaint.

2. The conclusion drawn by the learned Trial Judge is a possible conclusion which can be drawn on the basis of evidence on record. No case is made out for grant of leave. Appeal is dismissed.

JUDGE